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MINISTRY OF LAW

NOTIFICATION

New Delhi, the 4th February, 1952

S.R.O. 214.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely:—

1. For rule 66 of the said Rules, the following rule shall be substituted, namely:—

"66. Ballot papers to be returned after recording votes thereon.—(1) Every elector on receiving his ballot paper sent under rule 65, if he desires to vote at the election, shall first sign the declaration on its back in the presence of an attesting officer and obtain the attestation of his signature by such officer as required under rule 67, and thereafter record his vote thereon and fold the ballot paper on the lines indicated therein in accordance with the instructions set out on the ballot paper and in the letter sent therewith.

(2) The elector shall then place the ballot paper in the envelope, close the envelope and enclose it in the cover and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him not later than the day fixed for the poll under clause (d) of section 30 and the hour fixed under section 56 for the close of the poll on that day. Any cover received by the Returning Officer after such day and hour shall be rejected and all such rejected covers shall be kept in a separate sealed packet by the Returning Officer:

Provided that the elector may at his option instead of sending the cover to the Returning Officer by post deliver it to the Returning Officer at his office either in person or by a messenger on the day and during the hours fixed for the poll."

2. For sub-rule (3) of rule 68 of the said Rules, the following sub-rule shall be substituted, namely:—

"(3) Such officer shall thereupon fold the marked ballot paper on the lines indicated therein, place it in the envelope, close the envelope and enclose it in the cover which he shall seal and hand over to the elector. The elector shall then send the sealed cover forthwith to the Returning Officer in accordance with the instructions contained in the letter sent to the elector along with the ballot paper so as to reach the Returning Officer not later than the day fixed for the poll under clause (d) of section 30 and the hour fixed under section 56 for the close of the poll on that day. Any cover received by the Returning Officer after such day and hour shall be rejected and kept along with the covers rejected under sub-rule (2) of rule 66:

Provided that the elector may at his option instead of sending the cover to the Returning Officer by post deliver it to the Returning Officer at his office either in person or by a messenger on the day and during the hours fixed for the poll."

3. For rule 85 of the said Rules, the following rule shall be substituted, namely:—

"85. Ballot papers to be returned after recording votes thereon.—(1) Every elector on receiving his ballot paper sent under rule 84, if he desires to vote at the election, shall first sign the declaration on its back in the presence of an attesting officer and obtain the attestation of his signature by such officer as required under rule 86 and hereafter record his vote thereon and fold the ballot paper on the lines indicated therein in accordance with the instructions set out on the ballot paper and in the letter sent therewith.

(2) The elector shall then place the ballot paper in the envelope, close the envelope and enclose it in the cover and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him not later than the day fixed for the poll under clause (d) of sub-section (2) of section 39 and the hour fixed under section 56 for the close of the poll on that day. Any cover received by the Returning Officer after such day and hour shall be rejected and all such rejected covers shall be kept in a separate sealed packet by the Returning Officer:

Provided that the elector may at his option instead of sending the cover to the Returning Officer by post deliver it to the Returning Officer at his office either in person or by a messenger on the day and during the hours fixed for the poll."

4. Rule 92 of the said Rules shall be renumbered as sub-rule (1) of rule 92 and to that rule as so renumbered the following sub-rule shall be added, namely:—

"(2) A postal ballot paper shall be also invalid—

(a) if it is not returned in the cover sent along with it to the elector by the Returning Officer; or

(b) if the number thereof does not agree with the number of the ballot paper entered on the envelope in which it is placed or, where the envelope has no number on it or where there is no such envelope, with the number of the ballot paper entered on the cover in which it is returned."

5. In rule 95 of the said Rules, for sub-rules (3) and (4) the following sub-rules shall be substituted, namely:—

"(3) Where the Returning Officer opens the ballot boxes under clause (b) of sub-rule (2), he shall, after the ballot papers have been taken out from each such box, count them or cause them to be counted, and record the number thereof in a statement.

(4) After the covers containing the postal ballot papers have been opened under clause (a) or clause (b) of sub-rule (2) and the ballot papers taken out from them, the Returning Officer shall first satisfy himself that the declaration on the back of each such paper has been duly signed and attested. If the Returning Officer finds that the signature of the elector is not duly attested on any of those ballot papers, he shall reject such ballot paper by endorsing thereon the word "rejected" and the ground of rejection and keep them separate. The Returning Officer shall then detach from each ballot paper which has not been so rejected that portion which contains the declaration by the voter and the attestation of his signature and shall cause the portion so detached to be kept in a separate packet.

(5) The Returning Officer shall thereafter scrutinise the ballot papers taken out from the covers under clause (a) of sub-rule (2) from which the declarations have been detached under sub-rule (4) or the ballot papers taken out from the ballot boxes together with the ballot papers taken out from the covers under clause (b) of that sub-rule from which the declarations have been detached under sub-rule (4), as the case may be, and separate the ballot papers which he deems valid from those which he rejects endorsing on the latter the word "rejected" and the ground of rejection, and after rejecting those which are invalid shall arrange the remainder in parcels according to the first preference recorded for each candidate."

6. In sub-rule (2) of rule 106 of the said Rules, after the words "rejected ballot papers" the words, brackets and figures "and shall also seal up the packets containing the declarations of candidates and the attestation of their signatures which have been detached from ballot papers under sub-rule (4) of rule 95" shall be inserted.

7. In sub-rule (1) of rule 108 of the said Rules, after the words "and their counterfoils" the words "of the declarations of the candidates and the attestation of their signatures" shall be inserted.

8. In Schedule I to the said Rules—

(a) for Form 18 the following form shall be substituted, namely:—

FORM 18

[Rule 65(1)]

FORM OF BALLOT PAPER

Counterfoil

.....Legislative Council.
 Election forLocal Authorities'/Graduates'/Teachers' constituency.....
19.....
 Serial No of ballot paper.....
 Name of elector.....
 Serial No. of elector in the electoral roll.....
Legislative Council.
 Election for.....Local Authorities'/Graduates'/Teachers' constituency...
19.....

(Not to be torn off by the elector)

(Paste gummed surface here)

A B

.....Legislative Council.
 Election forLocal Authorities'/Graduates'/Teachers' constituency...
19.....

Names of candidates	Mark order of preference.	Names of candidates	Mark order of preference.
1.		21.	
2.		22.	
3.		23.	
4.		24.	
5.		25.	
6.		26.	
A 7.		27.	B
8.		28.	
9.		29.	
10.		30.	
11.		31.	
12.		32.	
13.		33.	
14.		34.	
15.		35.	
16.		36.	
17.		37.	
18.		38.	
19.		39.	
A 20.			B

Fold on the lines A-B.

Serial No. of ballot paper.....

I hereby declare that I am the person whose name appears as elector No.....
.....on the electoral roll forconstituency.

Date.....

Signature of elector.

Address.....

Signed in my presence by..... who is personally known to me [or
who has been identified to my satisfaction by.....

Name.....

Address.....]

Signature of Attesting Officer.

Designation.....

Address

Date.....

Serial No. of ballot paper.....

INSTRUCTIONS

1. The number of members to be elected is
2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only * [although there are more members than one to be elected].
3. As regards the other candidates you may indicate your preference by putting in the spaces opposite their names the figure of the order in which you would classify them, i.e. 2, 3, 4 etc.
4. Do not place more than one figure opposite the name of any candidate. Please also see further instructions in the accompanying letter.
5. An elector shall obtain the attestation of his signature on this form either by a Magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified, or
 - (a) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, by such officer as has been appointed in this behalf by the Commanding Officer of the Unit, ship or establishment in which the elector or her husband, as the case may be, is employed;
 - (b) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60 of the Representation of the People Act, 1951, or the wife of such person, by an officer not below the rank of a Deputy Secretary to Government.
 - (c) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of such person, by such officer as has been appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident;
 - (d) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and
 - (e) in other cases, by any of the following persons who have been notified in this behalf by the Election Commission, namely—

.....
.....
.....

6. The attesting officer shall attest the signature of an elector but not his vote which should not be recorded in the presence of the attesting officer.

*To be deleted when only one member is to be elected.

(b) in Form 20, in the Form of Letter of Intimation—

(i) for clause (d) of paragraph 1, the following clause shall be substituted, namely:—

“(d) you will then fold the ballot paper on the lines indicated therein so as to cover up the portion thereof on which your vote has been recorded and your preference has been indicated and will thereafter place the ballot paper in the envelope sent with this letter, close it up and enclose the envelope in the cover addressed to me and return the cover to me by pre-paid post so as to reach me not later than..... p.m. on the..... day of..... 19... or deliver the cover to me either in person or by a messenger between..... (hours) and..... (hours) on the..... day of.....19...”;

(ii) in paragraph 6, after the words “or on which the signature of the elector is not duly attested” the following shall be inserted, namely:—

“or which is not returned in the cover sent along with it to the elector by the Returning Officer, or the number of which does not agree with the number of the ballot paper entered on the envelope in which it is placed or, where the envelope has no number on it or where there is no such envelope, with the number of the ballot paper entered on the cover in which it is returned.”

(c) for Form 22, the following Form shall be substituted, namely:—

“FORM 22

FORM OF BALLOT PAPER

[Rule 84(1)]

Counterfoil.

Council of States

.....Legislative Council

Election by the electors of.....Legislative Assembly
members of.....Electoral College
members of.....Legislative Assembly.
19 .

Serial No. of ballot paper.....

Name of elector.....

Number of elector in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Representation of the People Act, 1951.....

Council of States

.....Legislative Council

Election by the electors of.....Legislative Assembly
members of.....Electoral College
members of.....Legislative Assembly.
19 .

(Not to be torn off by the elector)

A

B

(Paste gummed surface here)

Council of States

.....Legislative Council

Election by the electors of.....Legislative Assembly
members of.....Electoral College
members of.....Legislative Assembly.
19 .

Names of candidates		Mark order of preference.	Names of candidates	Mark order of preference.
A	1.	11.		B
	2.	12.		
	3.	13.		
	4.	14.		
	5.	15.		
	6.	16.		
	7.	17.		
	8.	18.		
	9.	19.		
A	10.	20.		B

Fold on the Lines A—B.

Serial No. of ballot paper.

I hereby declare that I am the person whose name appears as elector No.....
 elected members of.....Legislative Assembly
 in the list of members of.....Electoral College
 members of.....Legislative Assembly

Maintained under sub-section (1)/sub-section (2) of section 152 of the Representation of the People Act, 1951.

Date.....

Signature of elector.....

Address.....

Signed in my presence by..... who is personally known
 to me (or who has been identified to my satisfaction by—

Name.....

Address

Date.....

Signature of Attesting Officer

Designation.....

Address.....

INSTRUCTIONS

Serial No. of ballot paper.....

1. The number of members to be elected is.....

2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only *(although there are more members than one to be elected).

3. As regards the other candidates you may indicate your preference by putting in the spaces opposite their names the figures of the order in which you would classify them, 2, 3, 4, etc.

4. Do not place more than one figure opposite the name of any candidate. Please also see further instructions in the accompanying letter.

5. Ballot papers are to be attested by a magistrate or by any of the following officers who have been notified in this behalf by the Election Commission, namely :—

.....

6. The Attesting Officer shall attest the signature of an elector but not his vote which should not be recorded in the presence of the Attesting Officer.

*To be deleted when only one member is to be elected."

(d) in Form 24, in the Form of Letter of Intimation—

(i) for clause (d) of paragraph 1, the following clause shall be substituted, namely:—

“(d) you will then fold the ballot paper on the lines indicated therein so as to cover up the portion thereof on which your vote has been recorded and your preference has been indicated and will thereafter place the ballot paper in the envelope sent with this letter, close it up and enclose the envelope in the cover addressed to me and return the cover to me by pre-paid post so as to reach me not later than.....p.m. on theday of.....19.....or deliver the cover to me either in person or by a messenger between(hours) and(hours) on the day of..... 19.....”;

(ii) in paragraph 5, after the words, “or on which the signature of the elector is not duly attested” the following shall be inserted, namely:—

“or which is not returned in the cover sent along with it to the elector by the Returning Officer, or the number of which does not agree with the number of the ballot paper entered on the envelope in which it is placed or, where the envelope has no number on it or where there is no such envelope, with the number of the ballot paper entered on the cover in which it is returned”.

[No. F.26(1)/52-C.]

S. N. MUKERJEE, Joint Secy.

